

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
THIS DOCUMENT RELATES TO ALL) CIVIL ACTION: 01-CV-12257 PBS
CLASS ACTIONS) Judge Patti B. Saris
)

**MDL CLASS PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO MOTION TO DISMISS THE DECEMBER 5, 2003 AND
JANUARY 22, 2004 AMENDED MASTER CONSOLIDATED COMPLAINT ON
BEHALF OF BOEHRINGER INGELHEIM CORPORATION, BEN VENUE
LABORATORIES, INC., AND BEDFORD LABORATORIES**

MDL Class Plaintiffs ("Plaintiffs"), hereby request that this Honorable Court grant an extension of time up to and including April 30, 2004 for the submission of oppositions to the Motion to Dismiss the December 5, 2003 and January 22, 2004 Amended Master Consolidated Class Action Complaint on Behalf of Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., and Bedford Laboratories (the "Boehringer Motion"). Defendants filed the Boehringer Motion on April 7, 2004 and Plaintiffs' opposition was originally due on April 21, 2004. No previous motions for an extension of time to respond to the Boehringer Motion have been submitted. Plaintiffs represent that the additional time to respond to the Boehringer Motion will allow a more complete treatment of the issues raised by the motion and will not prejudice any party to the litigation.

Plaintiffs have conferred with Defendants concerning this Motion for Extension of time and they represent that they do not oppose the motion.

WHEREFORE, MDL Class Plaintiffs respectfully request that the Court extend the time for filing of oppositions to the Boehringer Motion up to and including April 30, 2004.

DATED: April 22, 2004

Respectfully submitted,

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**ADDITIONAL ATTORNEYS FOR
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CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused a true and correct copy of the foregoing MDL CLASS Plaintiffs' motion for Extension of Time to File Opposition to Motion to Dismiss the December 5, 2003 and January 22, 2004 Amended Master Consolidated Complaint on behalf of Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., and Bedford Laboratories be served on all counsel of record electronically on April 22, 2004, pursuant to Section D of Case Management Order No. 2.

//s Edward Notargiacomo

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